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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;  
16 OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA-JSC

**PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF ITS  
MOTION FOR RELIEF FROM NON-  
DISPOSITIVE PRETRIAL ORDER OF  
MAGISTRATE JUDGE (DKT. 881)**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal confidential information in portions of its Motion for Relief from Non-Dispositive Pretrial Order of Magistrate Judge (“Motion”). Specifically, Waymo requests an order granting leave to file under seal the portions of the document as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Motion for Relief from Non-Dispositive Pretrial Order of Magistrate Judge (“Motion”)	Highlighted Portions	Otto Trucking and nonparty Lior Ron

## **I. LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1135, 1138 (9th Cir. 2003)). Both the California Uniform Trade Secrets Act and the Defend Trade Secrets Act provide for maintaining the confidentiality of alleged trade secrets. Cal. Civ. Code § 3426.5 (“In an action under this title, a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include . . . sealing the records of the action[.]”); 18 U.S.C. § 1835(a) (“[T]he court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of trade secrets[.]”).

## **II. DEFENDANTS’ AND LIOR RON’S CONFIDENTIAL INFORMATION**

Waymo only seeks to seal the portions of Waymo’s Motion identified in the table above, because Waymo believes such information is considered confidential or non-public by Otto Trucking and Lior Ron. Judah Decl. ¶ 3. Waymo takes no position as to the merits of sealing that designated material, and expects Otto Trucking and Lior Ron to file one or more declarations in accordance with the Local Rules.

1 **III. CONCLUSION**

2 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the above  
3 listed documents accompany this Administrative Motion. For the foregoing reasons, Waymo  
4 respectfully requests that the Court grant Waymo's administrative motion to file under seal.  
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6 DATED: July 17, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
LLP

7  
8 By /s/ Charles K. Verhoeven

Charles K. Verhoeven

9 Attorneys for WAYMO LLC  
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